

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**DONALD S. PARKINSON,**

**Petitioner,**

**-against-**

**9:01-CV-713**

**WALTER KELLY, Superintendent,  
Attica Correctional Facility,**

**Respondent.**

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**Thomas J. McAvoy, Senior U.S. District Judge**

**DECISION & ORDER**

This *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 was referred to the Hon. Gustave J. DiBianco, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.4.

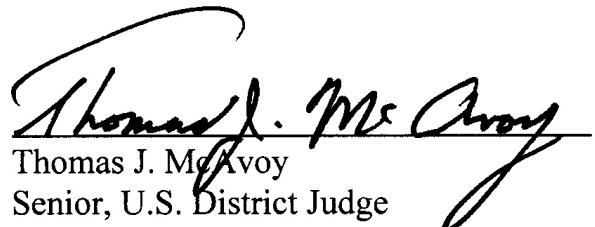
No objections to the Report-Recommendation and Order dated January 23, 2006 have been filed. Furthermore, after examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation for the reasons stated therein.

It is therefore

**ORDERED** that the petition for a writ of habeas corpus is **DENIED** and **DISMISSED**.

**IT IS SO ORDERED.**

Dated: March 20, 2006

  
Thomas J. McAvoy  
Senior, U.S. District Judge